

**Sim, Lowman, Ashton & McKay LLP**  
Barristers & Solicitors

**Sim & McBurney**  
Patent & Trade Mark Agents

6<sup>th</sup> Floor, 330 University Avenue  
Toronto, Ontario, Canada M5G 1R7

**RECEIVED**  
**CENTRAL FAX CENTER**

**Tel. (416) 595-1155 • Fax (416) 595-1163**

**APR 05 2006**

**DATE: April 5, 2006**

**Appln. No.: 10/517,277**

**Our Ref: 7865-206 MIS:jb**

TO:	FAX #	PHONE #
US Patent Office Mail Stop Missing Parts	571-273-8300	

Total Number of Pages (Including This Page): 14

**FROM: Michael I. Stewart / (416) 849-8400**

**COMMENTS:**

We are transmitting from a Xerox Telecopier 7033, 7020 or Workcentre Pro 745 – Group 3 which are compatible with Groups 1 and 2 and fully automatic on a 24 hour basis. If any part of this message is received poorly or missing please call the telecopier operator immediately at (416) 595-1155.

### Confidentiality Notice

This message is intended only for the use of the individual person or entity to which it is addresses and may contain information that is privileged and confidential. If the reader of this message is not the intended recipient or the agent responsible for delivering the message to the intended recipient, you are hereby notified that any disclosing, copying, distributing or the taking of any action in reliance on the contents of this communication is prohibited. If you have received this communication in error, please notify us immediately by telephone (call collect) and return the original message to us at the above address via the postal service. Thank you.

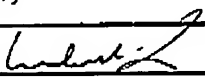
PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/S17.277
	Filing Date	
	First Named Inventor	Radka Milanova
	Art Unit	
	Examiner Name	
Total Number of Pages in This Submission	13	Attorney Docket Number 7865-206 MIS:jb

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Covering Letter 2. Declaration and Power of Attorney documents
Remarks <span style="border: 1px solid black; display: inline-block; width: 100px; height: 1.2em; vertical-align: middle;"></span>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Sim & McBurney		
Signature			
Printed name	Michael I. Stewart		
Date	April 5, 2006	Reg. No.	24,973

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Michael I. Stewart	Date	April 5, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

# Sim & McBurney

Patent and Trade Mark Agents

330 University Avenue  
6th floor  
Toronto, Canada  
M5G 1R7

Telephone (416) 595-1155  
Fax (416) 595-1163

MICHAEL I. STEWART  
TONI POLSON ASHTON  
JOHN H. WOODLEY  
KENNETH D. MCKAY  
TIMOTHY M. LOWMAN  
STEPHEN M. LANE  
PATRICIA A. RAE  
DAVID A. RUSTON  
LOLA A. BARTOSZEWICZ  
ANDREW R.O. JONES  
KIMBERLY A. McMANUS

LYNDIA P.S. COVELLO  
MATTHEW D. POWELL  
MARCO M. CLEMENTONI  
KENNETH M. T. MURPHY  
MARLYE MONFISTON  
SENIOR CONSULTANT  
PETER W. MCBURNEY  
TECHNICAL ASSISTANTS  
NICHOLAS J. CARTEL, Ph.D., LL.B.  
LORRAINE M. FLECK, M.Sc., LL.B.  
KENNETH K. MA, Ph.D.  
ABIGAIL A. BROWN, B.Sc., LL.B., LL.M.

RECEIVED  
CENTRAL FAX CENTER  
APR 05 2006

Please Quote

Our ref. 7865-206 MIS

Your ref. -

Writer's Direct Dial: (416) 849-8400

E-mail: [mistewart@sim-mcburney.com](mailto:mistewart@sim-mcburney.com)

April 5, 2006

**BY FACSIMILE 571-273-8300**

Mail Stop Missing Parts  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
U.S.A.

Dear Sir:

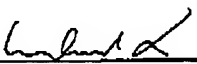
**RE: US Patent Application No. 10/517,277**  
**Applicant: Radka Milanova**  
**Title: PROTEIN EXTRACTION FROM CANOLA OIL SEED MEAL**

In response to your Notification of Missing Requirements under 35 USC 371,  
submitted herewith are:

1. Declaration and Power of Attorney documents executed by each inventor.
2. Authorization to charge surcharge fee to deposit account
3. Copy of notice.

It is submitted that the Missing Requirements have been dealt with.

Yours very truly,

  
Michael I. Stewart  
Reg. No. 24,973

M.I.Stewart/jb  
Enclosure(s)

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2008. OMB 0851-0092  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/09/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). <b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		<b>Complete if Known</b> Application Number <u>10/517,277</u> Filing Date _____ First Named Inventor <u>Radka Milanova</u> Examiner Name _____ Art Unit _____ Attorney Docket No. <u>7865-206 MIS:jb</u>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		<b>RECEIVED</b> <b>CENTRAL FAX CENTER</b> <b>APR 05 2006</b>	
TOTAL AMOUNT OF PAYMENT	(\$)	130.00	

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_  
☒ Deposit Account Deposit Account Number: 192253 Deposit Account Name: Sim & McBurney  
 For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)  
☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☐ Charge any additional fee(s) or underpayments of fee(s) ☐ Credit any overpayments  
 under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

## 2. EXCESS CLAIM FEES

## Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=				
HP = highest number of total claims paid for, if greater than 20.						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
- 3 or HP =	x	=				
HP = highest number of independent claims paid for, if greater than 3.						

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).


Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

## 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Surcharge Fee

130.00

SUBMITTED BY		Registration No.	Telephone
Signature		(Attorney/Agent) <u>24,973</u>	(416) 849-8400
Name (Print/Type)	<u>Michael I. Stewart</u>	Date	<u>April 5, 2006</u>

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

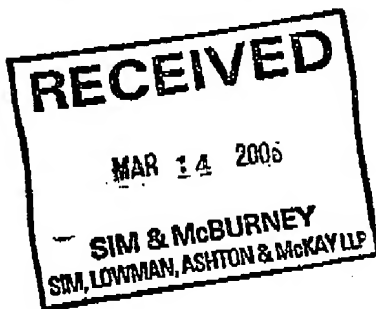


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1459  
 Alexandria, Virginia 22313-1459  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/517,277	Radka Milanova	7865-206 MIS:jb

Sim & McBurney  
 330 University Avenue  
 6th Floor  
 Toronto Ontario  
 Canada M5G 1R7,  
 CANADA



INTERNATIONAL APPLICATION NO.	
PCT/CA03/00923	
I.A. FILING DATE	PRIORITY DATE
06/19/2003	06/21/2002

CONFIRMATION NO. 2819  
 371 FORMALITIES LETTER

\*OC000000018097524\*

Date Mailed: 02/22/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/09/2004
- Copy of the International Search Report filed on 12/09/2004
- Copy of IPE Report filed on 12/09/2004
- Oath or Declaration filed on 12/09/2004
- U.S. Basic National Fees filed on 12/09/2004
- Assignment filed on 12/09/2004
- Priority Documents filed on 12/09/2004

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHRISTINE S WASHINGTON

Telephone: (703) 308-9140 EXT 228

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DCKET NO.
10/517,277	PCT/CA03/00923	7865-206 MIS:jb

FORM PCT/DO/EO/905 (371 Formalities Notice)